



application (FCC Form 302) is filed. Accordingly, addition of a Section 73.316 issue is not warranted.

4. With respect to the requested Section 73.207 issue, ORA repeats contentions considered and rejected in the Hearing Designation Order, 8 FCC Rcd 2651 (ASD 1993), and in Memorandum Opinion and Order, FCC 93M-224, released May 4, 1993. Such contentions are ordinarily not subject to reconsideration. See Annax Broadcasting Inc., 87 FCC 2d 483, 486 (1981); Section 1.106(a)(1) of the Commission's Rules. Nonetheless, ORA claims that its arguments warrant renewed consideration because of On the Beach Broadcasting, FCC 93-211, released May 10, 1993. Specifically, ORA contends that On the Beach requires that an applicant proposing use of a directional antenna must demonstrate that no fully-spaced sites are available.

5. ORA is wrong. On the Beach affirmed rejection of an amendment which did not comply with Section 73.215(b)(2)(ii), and in the absence of a valid proposal for use of a directional antenna, found that the applicant did not meet the requirements for a waiver of Section 73.207 of the Commission's Rules. Here, ASF's proposal is in compliance with Section 73.215 and was processed accordingly. Thus, Section 73.207 is inapplicable, and there was no need for ASF to seek a waiver of that rule or make the showing necessary for grant of such a waiver. See Amendment of Part 73 - Short-Spacing Criteria, 6 FCC Rcd 5356, 5359-60, 11

24-27 (1991), where the Commission made clear that, because applications could now provide equivalent co-channel and adjacent channel protection by meeting the spacing, power and directional requirements of Section 73.215, it would no longer allow waivers of Section 73.207. In this regard, the cases cited by ORA, all of which dealt with applications seeking waivers of Section 73.207, are inapposite.

~~6. Accordingly, the Bureau opposes ORA's motion to enlarge~~

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, hereby certifies that she has on this 2nd day of June, 1993, sent by regular U.S. mail, U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Opposition to Motion to Enlarge Issues Against ASF"** to:

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